

### **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. The amendment to claim 4 adding the recitation “photoaging” is supported, *inter alia*, in the specification, page 5, lines 9-15, which is reproduced below.

It is neither known nor suggested in the prior art at all that, among these crude drugs, da zao extract, ginseng extract, roman chamomile extract, chlorella extract, celery extract, parsley extract, coicis semen extract, and silk extract have angiogenesis inhibitory activity and antiaging activity, particularly anti-photoaging activity.

The claims have also been amended to recite the Latin names, which were presented in the original claims.

### **Priority Document**

An electronic copy of the certified copy of the priority document of the present application **is available on PAIR.** Accordingly, acknowledgement of receipt of the certified copy of the priority document from the International Bureau is respectfully requested in the next communication from the examiner.

### **Rejections Under 35 USC 112, Written Description**

Applicants traverse the new matter rejection and urge for the following reasons that the present specification provides support for claims 4 and 5.

As noted above the paragraph between pages 2-3 of the specification, there is explicit support for an embodiment of the invention that is a “preparation . . . comprising one or a plurality of crude drugs selected from the group consisting of da zao extract, ginseng extract, roman chamomile extract, chlorella extract, celery extract, parsley extract, coicis semen extract, and silk extract.” Therefore, a composition comprising or more of the claimed extracts is generically and explicitly disclosed.

This preparation is specifically contemplated for use against “photoaging.” See, for example, specification, page 3, line 5. It is clear from the specification, where, read in its totality, that applicants intended that one embodiment of the present invention to be a method of administering the claimed compounds to reduce the effects of photogaing. “The crude drugs according to the present invention are effective, particularly for prevention and inhibition of photoaging.” Specification, page 8, lines 18-20.

Furthermore, the specification states “among these crude drugs, da zao extract, ginseng extract, roman chamomile extract, chlorella extract, celery extract, parsley extract, coicis semen extract, and silk extract have angiogenesis inhibitory activity and antiaging activity, particularly anti-photoaging activity.” Therefore, anti-photoaging is specifically stated to be a species of anti-aging. Specification, page 5, lines 10-15.

Finally, the specification explicitly states that the agent of the formulation can be 0.0001 to 20.0% by mass, preferably 0.0001 to 10.0% by mass, as a dry substance based on the total amount of the composition. “The formulating amount of the agent having angiogenesis inhibitory activity in the angiogenesis inhibiting preparation or the anti-aging preparation according to the present invention is 0.0001 to 20.0% by mass, preferably 0.0001 to 10.0% by mass, as a dry substance based on the total amount of the composition.” Specification, page 9, lines 2-7.

Accordingly, applicants contend that that the present claims are explicitly supported.

#### **Rejections Under 35 USC 112, Indefiniteness**

Applicants have amended the claims to recite the Latin genus species names, which were presented in the originally filed claims.

#### **Claim Rejections Under 35 USC 112, and 101**

Applicants have amended the claims to recite that the claimed method is for treating “photoaging,” which should remove the outstanding rejections for enablement and utility, as these rejections were based on a lack of “evidence that anything could can stop time or people from getting older.” Office Action dated April 12, 2007, page 6. Applicants are not claiming

a method of stopping time or aging in people, rather the claims are directed to inhibiting photoaging.

**Rejections Under 35 USC 102(b) and 103(a)**

Applicants have amended the claims in order to overcome the prior art rejection. The references cited by the examiner are silent in respect of inhibiting or preventing skin damage caused by exposure to sunlight. None of these references teach that any of the disclosed formulations are capable of inhibiting neogenesis of endothelial cell or effective in inhibiting or preventing photoaging, i.e., skin damage caused by exposure to sunlight.

Kitada relates to alleviating “dullness” of skin. See page 2, in the Means for Solving the Problem section of the English translation. Ito discloses alleviating rough skin or desiccation skin caused by aging of the skin. See page 2, paragraph 0015 of the English translation. Matsui teaches a skin cosmetic which is effective in preventing aging by promoting the production of collagenase. See Abstract. Fujitani discloses a cosmetic effective in preventing skin aging by inhibiting hyaluronidase. See pages 1 to 2 in the Object of the Invention of the English translation. Accordingly, these references are silent on treating photoaging.

Accordingly, applicants believe that the claimed method is not anticipated or obvious over the cited references.

**Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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